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08/04/00 3382-53698 Document in ProLaw

PATENT  
Attorney's Matter No. 3382-53698

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gu et al.

Art Unit: 2755

Application No. 09/496318

Filed: February 1, 2000

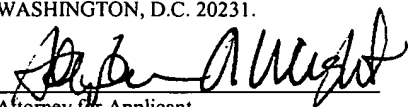
For: DYNAMIC SELF-CONFIGURATION FOR AD  
HOC PEER NETWORKING

Examiner:

Date: August 4, 2000

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on 8/8/2000 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

  
Attorney for ApplicantTO THE COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231**DECLARATION OF FACTS  
IN SUPPORT OF FILING ON BEHALF OF  
OMITTED INVENTION (37 CFR 1.47)**

Melinda Pallemmaerts, having personal knowledge of the facts set forth below, declares as follows:

1. I am a paralegal employed in the patent group of the Legal and Corporate Affairs division of Microsoft Corporation.
2. On October 27, 1999, outside patent counsel Mr. Stephen A. Wight, Microsoft patent attorney Danielle Johnston and Microsoft paralegal Tammy Krieger met with inventor Ye Gu to discuss the captioned invention. I received a document prepared by Mr. Wight summarizing the meeting, which listed Ye Gu, Peter Ford, Paul Lee, Holly Knight and Yaron Goland as inventors.
3. On January 9, 2000, I received a draft patent application directed towards the captioned invention from Mr. Wight. I forwarded a copy of Mr. Wight's draft patent application documents to each of the listed inventors, including Mr. Goland, soliciting their review and comments. No response to my request was received from Mr. Goland.

4. I conveyed instructions of Danielle Johnston to Mr. Wight to file this patent application on February 1, 2000, without the inventors' signatures.
5. Subsequently, I discovered that Mr. Goland had left his employment with Microsoft.
6. On March 16, 2000, I looked up Mr. Goland's home phone number, and called Mr. Goland. The call was answered by voice mail. I identified myself, and advised Mr. Goland of his continuing obligation to assist Microsoft in the preparation and filing of patent applications, including verification of the completeness of the applications and execution of Declarations of Inventorship and Assignments of Ownership. I requested that Mr. Goland return my call to arrange for execution of these documents. Mr. Goland did not respond.
7. On March 21, 2000, I contacted Microsoft employees Mike Zintel and Amar Gandhi who had worked with Mr. Goland, and obtained a new email address for Mr. Goland. I then sent an email message to Mr. Goland again requesting that he contact me to arrange to execute the Declaration and Assignment documents for this patent application. Again, Mr. Goland did not respond.
8. On July 11, 2000, I mailed a letter to Mr. Goland at his last know address, in which I again requested that Mr. Goland execute the Declaration and Assignment documents. The letter enclosed a copy of the application as filed (including specification, claims and drawings), together with the Declaration and Assignment documents for Mr. Goland's signature. Mr. Goland did not respond.
9. Mr. Goland has not provided to me any reason for refusing to review and sign the application papers.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: Melinda Pallemnaerts

Date: 8/4/00